

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Criminal No.: 19-10080-NMG |
| |) | |
| ELISABETH KIMMEL, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

**GOVERNMENT’S ASSENTED-TO MOTION FOR LEAVE TO FILE
UNDER SEAL OPPOSITIONS TO DEFENDANTS’ MOTIONS *IN LIMINE***

The government respectfully moves, with the assent of the defendants, for leave to file under seal its oppositions to two of the defendants’ motions *in limine*: (1) defendant Kimmel’s motion to exclude evidence “relating to health issues of her children,” Dkt. 1982 (fully under seal); and (2) defendant Wilson’s motion to exclude communications that he asserts are protected by the marital privilege, Dkt. 1988. The Court previously granted defendant Kimmel’s motion to seal her motion *in limine*, defendant Wilson’s motion to suppress the communications that he asserts are protected by the marital privilege (which is cited throughout his motion *in limine*), and the government’s motion *in limine* to admit certain marital communications, including those relating to Wilson, that it contends are not subject to the marital communications privilege. *See* Dkt. 1437, 1983, 1984.

The government’s opposition to defendant Kimmel’s motion concerns medical issues related to her children, and the government respectfully submits that it should be filed fully under seal, consistent with the sealing of defendant Kimmel’s motion. The government’s opposition to defendant Wilson’s motion discusses the substance of certain communications that the government contends are not subject to the marital communications privilege, and the government respectfully requests to file the opposition under seal, as well as a public version with limited redactions. Under

the terms of the May 2, 2019 Protective Order, such materials are to be filed under seal to remove any references to children and academic records. Dkt. 377 at 4. Accordingly, pursuant to Local Rule 7.2, the government requests that the Court grant leave to file these motions under seal. The government will provide all sealed materials to the defendants.

Respectfully submitted,

NATHANIEL R. MENDELL
Acting United States Attorney

By: /s/ Ian J. Stearns
JUSTIN D. O'CONNELL
KRISTEN A. KEARNEY
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IAN J. STEARNS
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants .

/s/ Ian J. Stearns
IAN J. STEARNS
Assistant United States Attorney